

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
30th Legislative Day
Wednesday, March 30, 2016

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Mark W. Clark, New Hope Baptist Church, Dexter.

National Anthem by Katelyn Robinson, Garland.

Pledge of Allegiance.

Doctors of the day, Ari Berman, M.D. and Kirsten Berman, M.D., Cape Elizabeth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Clarify That Buprenorphine Is a Scheduled Drug"

(S.P. 693) (L.D. 1685)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 501)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

March 29, 2016

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1517, "An Act To Enable an Alternative Organizational Structure To Purchase Group Health Insurance for Its Employees."

While I support the principle of enabling alternative organizational structures (AOS) to use scale to lower the cost of the insurance benefits they provide, this bill does not go far enough. Given the number of teachers and public employees throughout the state, there is much more we could do to allow municipal employees, state employees, university and community college employees, among others, to pool together to achieve cost savings. This bill does not provide an AOS with the option to join the state's benefit plan; instead it focuses on a narrow solution to a broad problem.

In his testimony presenting this bill, the bill's sponsor described the current challenge to the AOS system as an unintended consequence of the federal Affordable Care Act (ACA). That is being far too kind. The ACA was a sham, sold to the American people upon the premise that government mandates could lower the cost of insurance for hard-working men and women in this country while destroying the ability of the private sector to compete. In reality, the ACA continues to threaten the ability of the State of Maine, as an employer, to provide quality affordable benefits to state employees.

In December, Congress delayed the implementation of the Cadillac Tax until 2020. Had they not acted, many public employers in Maine, including the State and the University

System, would be punished for providing generous, affordable benefits to our public sector employees and they still will be punished, until Congress acts to repeal this draconian measure that is certain to harm Maine people and Maine institutions.

I invite the Legislature and the newly established Commission to Reform Public Education Funding and Improve Student Performance in Maine to examine opportunities to reduce the cost of health insurance across all public sector institutions by leveraging scale if we pool our resources together. I am not content to nibble around the edges of our ballooning public costs. Now is the time for bold action.

For these reasons, I return LD 1517 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Enable an Alternative Organizational Structure To Purchase Group Health Insurance for Its Employees (EMERGENCY)

(H.P. 1042) (L.D. 1517)

(C. "A" H-549)

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Mr. Speaker. Mr. Speaker, Women and men of the House, this is a modest bill, which received unanimous support in the Education Committee. In the interest of efficiency, it simply allows separate school districts, which voluntarily join together to negotiate common employment contracts, the option to qualify for a single group benefits policy. I appreciate your consideration and support.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 534V

YEA - Alley, Austin, Babbidge, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Lajoie, Lockman, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, White, Wood, Mr. Speaker.

NAY - Buckland, Crafts, Hanington, Hanley, Hilliard, Kinney M, Long, Lyford, Pierce J, Sanderson, Sirocki, Wallace, Winsor.

ABSENT - Bates, Kumiega, Warren, Welsh.

Yes, 134; No, 13; Absent, 4; Excused, 0.

134 having voted in the affirmative and 13 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (S.C. 886)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

March 21, 2016

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 213, "An Act to Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody."

There are two elements to this bill as amended. The first requires the Department of Health and Human Services (DHHS) to schedule a medical examination of a child entering its custody within three days, instead of the current statutory requirement of 10 days. The people who work for DHHS care deeply about the health of the children they help. Many of them are parents themselves. DHHS staff are already obtaining medical assessments for children entering their care as soon as possible. Passing a new law will not improve the ability of child services staff to schedule those appointments; rather, it will only insult Department staff by implying that they are not already acting as expeditiously as possible.

Second, this bill mandates that DHHS undergo rulemaking to facilitate the reimbursement of these medical assessments by MaineCare. DHHS is already doing this, as the Department made clear to the Committee during its deliberations.

This bill represents an unfunded mandate and more arbitrary micromanagement of the Executive Branch, which will have little practical effect. For these reasons, I return LD 213 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody

(S.P. 82) (L.D. 213)
(C. "A" S-362)

In Senate, March 29, 2016, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

33 voted in favor and 1 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 535V

YEA - Alley, Babbidge, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Lajoie, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Vachon, Verow, Ward, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Bates, Kumiega, Warren, Welsh.

Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 500)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

March 30, 2016

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to Title 3, MRSA §154, Governor Paul R. LePage has withdrawn the following nomination:

On March 28, 2016

Andrew P. Charles of South Portland
for reappointment to the Workers' Compensation Board.
This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Mark W. Eves
Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE**.

Under suspension of the rules, members were allowed to remove their jackets.

The Following Communication: (S.C. 907)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

March 29, 2016
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work" (H.P. 1024) (L.D. 1501), in non-concurrence.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes"

(H.P. 1154) (L.D. 1689)

Sponsored by Representative MAKER of Calais.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: GERRISH of Lebanon, GROHMAN of Biddeford, HARRINGTON of Sanford, HUBBELL of Bar Harbor, Senators: BAKER of Sagadahoc, BURNS of Washington, CYRWAY of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

The Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Assist Small Distilleries"

(H.P. 1152) (L.D. 1687)

Sponsored by Representative LUCHINI of Ellsworth.

Cosponsored by Senator COLLINS of York and Representatives: GIDEON of Freeport, McCABE of Skowhegan, SAUCIER of Presque Isle, Senator: CYRWAY of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Laws Governing Funding of Maine Clean Election Act Candidates"

(H.P. 1153) (L.D. 1688)

Sponsored by Representative STETKIS of Canaan. (GOVERNOR'S BILL)

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Nia Irving, of Fairfield, a senior at Lawrence High School and a member of the girls basketball team, who has been named the 2015-16 Gatorade Maine Girls Basketball Player of the Year. This is the second year in a row that Nia has received this honor. She led the team to the Class A State Championship for the second consecutive year after the team's 21-1 season. She is a four-time Kennebec Valley Athletic Conference player of the year. The Gatorade Player of the Year award is given for athletic excellence, high standards of academic achievement and exemplary character demonstrated on and off the court and distinguishes Nia as the State's best high school girls basketball player. We extend to Nia our congratulations and best wishes;

(HLS 1163)

Presented by Representative PICCHIOTTI of Fairfield.

Cosponsored by Senator CYRWAY of Kennebec, Representative SHORT of Pittsfield.

On **OBJECTION** of Representative PICCHIOTTI of Fairfield, was **REMOVED** from the Special Sentiment Calendar.

READ and PASSED and sent for concurrence.

Recognizing:

Kasey Anderson, of Jonesboro, a senior at Machias Memorial High School, who is a recipient of a 2016 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations to Kasey on her receiving this award;

(HLS 1168)

Presented by Representative TUELL of East Machias.

Cosponsored by Senator BURNS of Washington, Representative ALLEY of Beals.

On **OBJECTION** of Representative TUELL of East Machias, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, I rise briefly to acknowledge Kasey's wonderful academic achievement and community achievements as well. I know, unfortunately, Kasey and her parents couldn't be here today, but I did want to extend my best wishes to her on a very productive, full, robust high school career and service to the Greater Machias area. And I know my colleague from Beals will echo those sentiments as well. So, Kasey and all of your colleagues and friends at Machias High School, all the best wishes and good luck as you move forward in your post high school career. Thank you very much.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

In Memory of:

Carl E. "Bill" Morrison, Sr., of Bradford. Mr. Morrison was born in Charleston and graduated from Bradford High School in 1940. He became interested in guns and gun repair at a very early age, and as an adult he established Morrison's Gun Shop, which lasted for 76 years. He was the first person in Maine to make his own barrels and was known all over the world for his craftsmanship. Mr. Morrison was an excellent marksman, winning 8 medals at the Camp Perry, Ohio shooting competition in 1958. He also worked for the Penobscot County Sheriff's Office and acted as a consultant for law enforcement authorities. Mr. Morrison will be long remembered and sadly missed by his family and friends;

(HLS 1167)

Presented by Representative LOCKMAN of Amherst.

Cosponsored by Senator DAVIS of Piscataquis.

On **OBJECTION** of Representative On **OBJECTION** of Representative KINNEY of Limington, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Mr. Speaker, Ladies and Gentlemen of the House, Bill Morrison was known as "Maine's Master Gunsmith." Having just listened to the sentiment, "was working on firearms at an early age." At an early age is an understatement. Mr. Morrison was working on firearms as he sat under the kitchen table while his mother was cooking, at the age of four, five, six years old.

It's my understanding from listening to Bill's stories, that at a very young age—maybe, and I'm guessing whether it's 10 or 11 or 12 years old—his father was so frustrated with him that he took all his firearms away from him and buried them out back and Bill had to go out back and dig his guns back up and drag them back into the house. For people who did know Bill, or didn't know Bill, Bill's original shop was on outer Broadway, north of Bangor. That was the location of the original shop. When I was a little boy, I visited the shop with my dad quite frequently throughout the '60's. I do not know the first year that Bill had built a firearm for my father. I imagine that it was in the '50's.

In the '70's, Bill moved his shop out to Bradford, Maine. As a boy, I still visited his shop often. I enjoyed his stories, many of which were in regard to my family members, who lived in Bradford, Maine. His business hours were truly unique. He generally opened for business 11-12 o'clock in the morning, where he would work till two or three in the afternoon. He would venture back up to the house for a meal. He'd head back down to the shop, and he'd work till 1, 2, or 3 o'clock in the morning. He did this right through to at least the age of 90 or 91 years old.

As far as repairs go, I truly got a kick out of Bill. When somebody would bring a firearm in, say two weeks before hunting season, because the weapon would be broke, and Bill would just look with his reading glasses and look up and say, "I suppose you want it fixed now," which rarely ever happened. Another true and unique item about Bill Morrison was the fact that my father and I would drop off a firearm there and we'd leave and we'd always wonder what would happen if Bill passed away? Nobody ever got a receipt for a weapon there, yet there were thousands of guns in his shop. He knew every person's firearm from memory that was dropped off for repairs in that shop.

The last rifle that Bill built for me, I ordered on or about 1985. You sit down with Bill, you come to an agreement he's going to build you a firearm, and then the patience and the virtue starts. So, 1986, you check in on him. "No, I haven't started it yet." 1987, I'd check in. "No, well, yeah, I'm working on it." But he'd

never show you anything. '88, '89, 1990 I stopped in. He says, "Yes, I have finished your rifle." He would give you a bill, you would pay him and walk out the door. Technically, Bill never did retire because he truly had to make ends meet. It was a couple years ago, to my understanding, that Bill was short of money or needed some money. He did have some of his firearms auctioned off during that summer, to which he complained to me about the \$50,000 he paid to the State of Maine in sales tax.

In early December, I did travel to Milo, of 2015, to check on my father. And then I went over to Bradford on that day to see Bill. I sat with him on the sofa. At this point of his life, his hearing was totally gone. I would write him notes and he would respond back to me. I spent an hour with him. I shook his hand and I departed. I, of course, his family, his friends, his customers, and the National Rifle Association will truly miss him. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I stand to honor Billy as one of my mother's childhood friends. It was interesting through the years to see them recollect about the fun things they did as children and out playing in the woods and fishing in the brooks. He was always a loyal friend who was very glad to see my mother and her sisters.

He was also a talented gun repair guy. My mother had given me her rifle that she had had since she was in her 20's and it needed some repairs. So, three years ago, we went up to see Billy and even at that advanced age, he was able to fix the gun so well and then took me out on his shooting range to have a few shots. So, he is well remembered by our family.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-417)** on Bill "An Act To Resolve Inconsistencies in the Drug Laws"

(S.P. 609) (L.D. 1554)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

FOWLE of Vassalboro
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-418)** on same Bill.

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

CHENETTE of Saco

DAVITT of Hampden
WARREN of Hallowell

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417).**

READ.

Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-403)** on Bill "An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs"

(S.P. 602) (L.D. 1541)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

CHENETTE of Saco
GERRISH of Lebanon
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-404)** on same Bill.

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
LAJOIE of Lewiston
WARREN of Hallowell

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-403).**

READ.

Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. The majority of my colleagues on the Criminal Justice and Public Safety Committee and I oppose the

report before us now. I support a different version of this bill because I believe we need to provide additional tools to prosecutors to target drug dealers and stop the flow of illegal drugs into our state. By taking these individuals off the street, we can make real progress towards stopping the importing of out-of-state drugs. That is an important factor in addressing our state's tragic and growing drug crisis. Please join me in voting against the pending motion so that this body can consider the committee's Majority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, and I rise to speak in support of the motion. Both these reports do very similar things and I think is a good move forward. What the report does that I've moved in support, limits the type of drugs that are being processed and prosecuted for importation. And it moves it to a level of trafficking and those drugs would be heroin and fentanyl, the two most deadly drugs in our State of Maine, the drugs that are killing our people. They are the drugs that you get from out of the State of Maine.

What we heard in testimony was that importation is a very hard crime to prosecute. That to prosecute, you have to prove that they've imported them from out of state. They can't come across the border and say, "Oh yeah, I came from across the border." That can't be used in prosecution. You have to prove it. And if you're going to target the drugs in this bill, I think we target the ones that are killing our Maine residents and the ones that you get from out of state. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker, Men and Women of the House, I rise today in support of the Majority Report of LD 1541, An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs. Earlier this year, in January, three men were arrested in southern Maine in what is being considered by Maine Drug Enforcement Agency as the largest crack-cocaine seizure in state history. In this particular incident, police seized crack-cocaine, a substantial amount of heroin, six handguns, and \$27,000 in cash. To quote Public Safety Spokesman Steve McCausland, when asked about this arrest, Mr. McCausland stated, "The arrest and seizure is another example of out of control drug distribution transporting large amount of drugs into Maine and selling them through local dealers."

The issue of fighting the war on drugs has been a top priority this legislative session and we've witnessed this issue grow significantly. Just last Sunday, the *Kennebec Journal* reported that heroin use has tripled in the last three years. This issue affects us all. This legislation proposes to increase the class of crime for the illegal importation of scheduled drugs from a Class C to a Class B crime if the drug is a Schedule W drug. It also rises the crime from a Class B to a Class C if the drug is a Scheduled X, Y, or Z drug. In addition, it creates the crime of aggravated illegal importation of scheduled drugs. Most crimes have an aggravated level, meaning that they are additional factors making the crime even more egregious.

Under this new crime, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under the age of 18 to assist with the illegal importation of the quantity of drugs being imported, rises the class of the crime by one class. The Committee Amendment adds aggravated, illegal importation of a scheduled drug to the crime and that may result, under certain circumstances, in the forfeiture of firearms.

I think it's important to recognize the difference between importation and trafficking. In Maine, trafficking is defined as buying, selling, or trading. This bill before us goes after people who are literally driving the substance into our state. It is my belief that this bill will help deter those people who are importing these drugs into our state to send a message that if they choose to cross our state borders and are caught, the consequences will be significant, perhaps setting the example that will prevent others from doing the same. These criminals are not just one-time offenders who have made a bad decision. These are people who have no regard for the people they hurt. I urge you to support the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Mr. Speaker, Men and Women of the House, I rise against the pending motion. The original bill continues a comprehensive approach that we've seen this session. It focuses on the enforcement leg of the stool. This motion just focuses on two aspects: fentanyl powder and heroin. No doubt very significant issues in our state, but why not give a more robust tool for our law enforcement and prosecutors dealing with, let's say, illegally importing cocaine at 112 grams, cocaine base at 32 grams, meth—300 or more pills, 300 more pills of Oxycodone, MDMA—300-plus pills, 270 bags of heroin or six grams of the equivalent. Those are not for an addict, Mr. Speaker. If it was, I wouldn't be supporting this. That's not for an addict needing treatment, it's targeting the people that are importing this poison into our state. So, I urge my colleagues to vote down the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker, I meant to interpret that I opposed the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, I had the privilege of attending the public hearing on this bill and I want to thank the Representative, Representative Nadeau, for speaking so eloquently as to why this motion should be turned down and we should move on to another.

I know drugs are a big issue for all of us and there are many aspects of the issue. I know folks are going to say that it isn't all about arresting our way out and it isn't all about law enforcement, and I'll agree with that and I know we have many other bills on various aspects of the drug abuse problem before us this session. But it seems a little ironic sometimes that when we do get into the law enforcement ones, they seem to be the most contentious. And I would submit that we have a bipartisan majority on this bill and that we should turn down the report before us and entertain that other report. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 536

YEA - Babbidge, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Hamann, Harlow, Herbig, Hobbins, Jorgensen, Kornfield, Kruger, Lajoie, Martin J, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn,

Schneck, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Mr. Speaker.

NAY - Alley, Austin, Battle, Beck, Bickford, Black, Buckland, Campbell R, Chace, Chenette, Corey, Crafts, Devin, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin R, Mastraccio, McClellan, McElwee, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Kumiega, Warren, Welsh.

Yes, 57; No, 90; Absent, 4; Excused, 0.

57 having voted in the affirmative and 90 voted in the negative, with 4 being absent, and accordingly Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-403) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-403)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-614)** on Bill "An Act To Authorize Advance Deposit Wagering for Horse Racing"

(H.P. 875) (L.D. 1279)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

DILLINGHAM of Oxford
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
TURNER of Burlington

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

LUCHINI of Ellsworth
SCHNECK of Bangor

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Mr. Speaker, Men and Women of the House, understanding that this is already being done and we'd like to capture the taxes, I still wanted to present to you the public health risks. "Is it possible to encourage responsible gaming among online gamblers," was a question I wanted to learn myself. So, I researched it and there is a suggestion that, in very limited research, that people moderated their gambling behavior as they experienced losses. So that's good. You know, if you lose a lot, you say, "Not going to do that again," and you moderate your behavior.

But there is a vulnerable five percent of people who spent more and played more, with a median in one study of \$115 a week at each of 10 sessions weekly on live action betting. So, who is at risk? Who are those five percent of people? Well, it's a mixture of biologic, genetic, and environmental risks. People who seem to be at risk have substance abuse disorders to start with, mood disorders, personality disorders, Attention Deficit Hyperactivity Disorders. And also, they're highly competitive people who are workaholics, restless, and easily bored. So, a mixed bag.

This causes relationship problems, financial, bankruptcy, legal problems, job loss, substance abuse, poor general health, depression and suicide. So, I wanted to tell you about Parkinson's Disease, which is a disease that I treat and people who are vulnerable to online gambling have Parkinson's Disease because they take a medication that increases their risk. So, while the health risks of online advanced deposit gambling for horse racing are not fully defined, because the relevant studies are limited, if someone wanted to roll call this vote, I would vote Ought Not to Pass because of the undefined risk. Thank you.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-614) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-614)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, chapter 377-A** on Bill "An Act To Specify That Certain Rules Regarding Services to Persons with Intellectual Disabilities or Autism Are Major Substantive Rules" (H.P. 1151) (L.D. 1682)

Signed:

Senators:

BRAKEY of Androscoggin
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
PETERSON of Rumford

STUCKEY of Portland

VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

MALABY of Hancock

SANDERSON of Chelsea

READ.

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, chapter 377-A** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, chapter 377-A** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. This bill is a result of a rule change that happened under the Department of Health and Human Services and the implementation of their Supports Intensity Scale assessment tool. Parents were concerned about that tool and rightly so. There needs to be a lot more work done on that.

We had a public hearing in our committee about that and as a result of some of the things that happened within this, and even before the public hearing, the Department heard the concerns of many of the parents whose, either both young or adult children, had been assessed under this scale and they tried to work with the vendor who operated the SIS. The SIS did not want to work with the Department on transparency, which parents so largely craved. So, the Department has actually severed their relationship with this vendor. They heard parents. They heard consumers. They heard the fears about what was going on. And they pulled back all of these rules and they're starting again.

What we're trying to do here is we're trying to micromanage the Department I think. They were under routine technical rulemaking authority. This is a result of, maybe, some mistrust in the Department. And, now they want to make this major substantive rules. In any case, there's going to be a public hearing. And, so, I rise in opposition to this. We still have the opportunity. Consumers still have the opportunity to weigh in on pending rules as they go forward and the Department goes down another avenue toward an assessment tool for services. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Men and Women of the House, this bill came before this body in a very unusual fashion. There are probably Members in this body who have been here a lot longer than I have, Mr. Speaker, who have never seen a bill brought Pursuant to Maine Revised Statute Title V, Chapter 377-A. And what that provision in Title IV allows is that people who feel that they are aggrieved by rulemaking by a state agency, can directly petition the Legislature in order to have the Legislature take up and listen to their concerns. And I've

never seen this before. I know a lot of other people in the body have not, so I wanted to explain that.

So, what happened here, is we had a petition filed directly with the Legislature that had 238 signatures. Ultimately, it ended up having 1,300 signatures on it by people who are very, very concerned about this rulemaking, who asked us to take a look at it. Now, as the Representative from Chelsea said, the Department ultimately abandoned the rulemaking. They did so immediately prior to the public hearing. We went forward with the public hearing. We had dozens of people come to the HHS Committee and request that we promote that the Legislature take action here.

We are not micromanaging the Department. As with many other rules that are promulgated by HHS, we are simply requesting that these rules become major substantive, other than routine technical, which means that as these rules are changed in the future, that the Legislature will have an opportunity to weigh in and to approve those rules before they go into effect. This is what the people who came to the committee room want. This is what I think we should do. These are people who, in the past, would've been kept in institutions and are doing everything that they can to live out in the community and live the best lives that they can. And what they really want is their Legislature to make sure that we are looking at everything the Department does to make sure they have an opportunity. I think this is an incredibly important bill. I'm very gratified that it got bipartisan support in the HHS Committee and I'm hoping that the Members of the body will support it. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass pursuant to the Maine Revised Statutes, Title 5, chapter 377-A Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 537

YEA - Alley, Babbidge, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Bates, Kumiega, Warren, Welsh.

Yes, 83; No, 64; Absent, 4; Excused, 0.

83 having voted in the affirmative and 64 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, chapter 377-A Report was ACCEPTED.**

The Bill was **READ ONCE.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-405)** - Minority (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Nondiscrimination against Gun Owners in Public Housing"

(S.P. 620) (L.D. 1572)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405).**

TABLED - March 28, 2016 (Till Later Today) by Representative FOWLE of Vassalboro.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Subsequently, Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker. Mr. Speaker and Members of the chamber, I speak in favor of the motion in front of us. This was an interesting bill. In this report, the Ought Not to Pass really is a reflection of where we are on the issue of rights. This bill takes in the rights of two different organizations; one being private property owners and the other one being able to possess and gun in your home.

So, the first thing I want to address is the title and my good friend from Newport, Representative Fredette, mentioned the other day about how the title is important. And this title talks about public housing, when the bill is really dealing with private landlord housing, private property. And I find it hard to believe, at a time when we talk about local control, that we're going to take big government and go into private property and say what you can and cannot have in your lease agreement.

A lease agreement is between the landlord and the tenant, not the landlord and the state. And I think we're going down the wrong road when we require anyone with Section 8 as to what they can and cannot have in their lease agreement. At the time that this bill was having its hearing, there was an article in the paper about a report that was referred to one of the committees that week and it dealt with Section 8 housing. And we had Maine Housing Authority people in to help us work through this bill and I asked them whether or not they thought there might be some unintended consequences if this law were to pass.

The report in the article stated that there were 20,000 people on a waitlist for Section 8 housing; a waitlist that is five years long for a lot of these people. And as we heard from the speaker in the report about the bonds, almost half of those people are senior citizens. I, myself, am taking the position that I think most people in the fair market are not banning guns. I was a landlord once. It

never even crossed my mind. And that, by telling someone what they can and can't do in their lease agreement with private property, we are telling them we get to control that.

I think we're taking a risk of unintended consequences, where more people that do accept these funds are going to say, "I'm just not going to bother. If the state is going to come in and start dictating what I can and cannot have in a lease agreement that is between me and my tenant, I'm just not going to do it." And that waitlist of people who are sitting back waiting for a place to live, maybe in homeless shelters, maybe living in someone else's home, are our elderly. I just think it's a big reach for government to be doing this. I prefer local control and let the landlords and the markets take care of this. Anyone I asked whether or not they did this, no one said they did. We are Mainers. This doesn't cross most people's mind. So, I appreciate your support on the motion in front of you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. I oppose this bill because I don't believe we should be taking away the rights of property owners. I support the Second Amendment. However, the question here and the question in committee has always been whether the state should be putting restriction on private property landowners. We should recognize their rights as property owners.

A lease is a private agreement between the property landowner and tenant. I don't think it's appropriate for the Legislature to interfere with that private agreement in any way. To be clear, our committee learned that the vast majority of the private property owners allow firearms, including those who are offering affordable housing. But taking away the ability to choose whether that is the right decision for their particular situation is the wrong way to go. Please join me in voting in favor of the pending motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker, I rise in opposition to the motion Ought Not to Pass and would just like to disclose that I am a current landlord of several units in Portland and have been for about 14 years and I've seen all sorts of different types of tenants in my time. And as a landlord, I do enter into a private contract with my tenant and it is also my right to select who I choose to enter into that contract with. And I also have the right to do background checks on folks, criminal background checks, in order to minimize risk to other tenants who are already living there.

I also believe that the Constitution is a supreme law of the land and it supersedes an agreement like this in that men and women in this country have the right to defend themselves. The apartments that I rent are, effectively, the property of the tenant. I don't have the right to barge into their apartments at any time. It's private property. It's their private property that they're leasing from me, and I have to respect their private property, even though they're leasing it from me. I need to respect their constitutional right.

And another reason why I'm in full support of allowing tenants to possess firearms if they're legally allowed to by state and federal law, is that I would feel horrible if I woke one day and found out that a long-term tenant of mine, who's rented from me for five, six, seven years and has kids, if something should've happened to them because somebody broke into their apartment and my lease disallowed them from owning a firearm. Or maybe they moved to another apartment, I allowed them to own a firearm and they moved to another apartment and they got

broken into and something happened to their family because that landlord would not allow them to possess a firearm to protect their family. I'd feel horrible.

So, this is all about the rights of the individual to protect themselves and the Constitution being the supreme law of the land. I encourage you to vote against this motion and support the rights of individuals to self-defense. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Mr. Speaker, Men and Women of the House, this bill came before our committee after Rockland resident Harvey Lembo had been broken into his apartment, subsidized apartment, and robbed of his prescription medicine four times. Incidentally, Mr. Lembo is retired and confined to a wheelchair. On the day of what would be the fifth break in, Harvey purchased a gun for self-protection. That evening Harvey shot the intruder. Since Harvey's incident there was another in Sabattus just a couple weeks ago where an owner of a mobile home on a rented lot had struggles with having a gun in his residence, his Second Amendment right.

This bill should not be about property rights. Property owners have a right to disallow things such as pets, smoking and such but why and how can they disallow our constitutional right to keep and bear arms? Maine people being forced to live in subsidized or lower income housing are not second class citizens who should have their Second Amendment rights infringed upon. This bill ensures they won't. In committee we had testimony from Maine Real Estate Managers Association, which oversees thousands of public housing units including HUD, Rural Development, and Maine Housing. They were neither for nor against and said they had no issue with the legislation. Lastly, Maine has Supreme Court precedent in the case of *Doe vs. The Portland Housing Authority* in support of the renter. I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, we're talking about taking away the rights of landlords. How about the rights of Second Amendment that we're all allowed in the federal Constitution? We can go to one step further and if a young couple want to buy a house and the bank says to them "You can get the mortgage, but you can't have any guns in the house." How would that set? So, what I'm saying to you, Mr. Speaker, is I believe that if you're going to rent and you want to rent, you have no right snooping around what people have. If they pay their rent every week and you take it, let it be that.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker, let's not infringe on the property rights of small business owners and unlike the title suggests, this would actually increase discrimination between property owners and create a major disparity between those that are actually taking public dollars and those who are not.

In my apartment, for instance, I sign a contract; a contractual obligation for my lease. If I break it, I face, you know, a situation where I have to leave. If they break it, you know, there's situations that will take place. I am not allowed to have dogs, for instance. Some people use dogs for protection. Am I going to all of a sudden start suing because I can't have protection in my apartment from an animal? So, I think it gets a little out of hand a little bit.

Also, Mr. Speaker, I'm not going to be intimidated by a high-paid, slick lobbyist from Virginia. I don't take talking points or

queues from the NRA on property rights. And I urge us to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Men and Women of the House, I oppose the pending motion. As a landlord, my family owns and operates 23 units in Portland and has done so for over 40 years. We have tenants who receive Section 8 and other subsidies. We respect our tenants' privacy in their home. We do not discriminate against those tenants' Second Amendment rights and, unfortunately, having a dog is not protected under any of our Bill of Rights in the Constitution, but owning a gun is and we should not be discriminating against that right and nor should anyone else. And so please join me in voting against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Jorgensen.

Representative **JORGENSEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, I want to look at this issue like many others here, as through a lens as a current landlord, and as one who was formerly responsible for managing a multi-unit building.

The puzzling aspect of this bill, for me, is that it appears to be a solution in search of a problem. I've written a lot of leases over the years, and in all of those, it's never even occurred to me to even mention firearms. I know I've likely had gun owners as tenants, but it's never been an issue from my perspective.

As a landlord, I do have a lot of latitude about a wide range of decisions about who gets to rent from me. Appropriately, I can't discriminate based on religion or race or creed, but I can discriminate based on lots of factors that I deem to pose real or even potential risks to my property. I can say no barbecues on the wooden porch, or limit fireplace use. I have discretion to deny a lease based on other items that I think might be potential hazards, like whether a tenant has what looks like inadequate income or whether they own a dog or a cat. And I can similarly choose to bend my own rules if circumstances permit. All this is to say that I have a lot of discretion. And I believe that I should have appropriate latitude concerning the use of my property. I don't anticipate adding anything about guns in future leases, but I don't like having my ability to freely choose tenants limited.

My experience is that private property owners who accept Section 8 often do this out of the goodness of their hearts. Sure you can get predictable income from this source, but frankly, in my city at least, you can make more money by renting at full market rates. This measure simply pits property rights versus gun rights and in my mind provides another excuse for private landowners to turn down Section 8 tenants. And we can ill afford that. So, even though I am a representative of the kombucha drinking, public transit loving, hipster infused City of Portland, I do cherish my property rights, Mr. Speaker, and I urge you to join me in supporting the pending motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, I rise in opposition to the current motion. A person, every person, has the right to exist. And this right to exist is guaranteed to us in the Maine Constitution, Section 16, that says, "Every citizen has a right to keep and bear arms and this right shall never be infringed." Being poor or disabled is no reason for others to infringe on those guaranteed rights. I urge you to vote this motion down. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Buckland.

Representative **BUCKLAND**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I also rise in opposition and I would refer back to my good colleague, Representative Sawicki, and he outlined a potential scenario of personal bodily harm, perhaps death happening to a tenant, and that he would feel really terrible if that may have been because someone on the property hadn't been allowed to have a firearm with which to protect themselves. And I would suggest to you and Ladies and Gentlemen of the House that if I were a relative of the person who suffered that harm, I would seek legal counsel, probably from someone like my good friend across the aisle, Representative Tucker, to ask, "What are my options for seeking damages related to the injury that my relative suffered because they were unable to defend themselves as a result of an agreement with the landlord who was taking away a constitutional right?" So, probably there's all sorts of protections, but I would at least ask a question. And I would ask the question also, what kind of liability does a representative of the people have in voting to take away a citizen's right firearms to defend themselves. So, thank you. Please follow my light.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CHIPMAN**: I know we have several attorneys here in the body and my question is, are landlords currently allowed to restrict a tenant's ability to put political signs in their windows? Something you'd think would be protected under the First Amendment in lease agreements?

The SPEAKER: The Representative from Portland, Representative Chipman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker, I was surprised to hear from the Representative from Saco, Representative Chenette, whose suggestion that support for this measure is the result of pressure from high-paid, slick lobbyists. I can assure him that's not the case and I hope he'll bear that in mind and not bend to any pressure from slick, high-paid lobbyists when we consider welfare expansion this week. Thanks.

The SPEAKER: The Chair would remind all Members on both sides of the aisle, don't flirt with impugning the intentions of Members. It's a dangerous precedent to go down. I would remind the Representative from Amherst, Representative Lockman of that, the Representative from Saco, Representative Chenette, that, and all Members. Thank you.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, I'm not a lawyer, but I would like to possibly try to answer the question. As landlords, we've never tried to infringe on the rights of our tenants to be able to post signs, and if they want to post signs in their windows of their apartments, that's their home. The property on the outside of the building is everyone's and so we recommend that our tenants do not put out political signs on the front lawn, but their windows are their property.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **PICKETT**: Why is it that because I cannot afford to own a home, should my Second Amendment right to own and possess a firearm, if I'm legally able to do so, disappear? Because I have to rent, not own, a place to live, does my fundamental right to bear arms disappear? I think not. I would ask each of you here to follow my light and vote red on the pending motion. Protect our Second Amendment rights for each and every one of us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I would also rise in support of the pending motion. We forget that this is actually contract law. Two parties are entering into a contract voluntarily. If folks chose to sign a lease with a landlord, that was a choice that they made. They signed that lease going into it. They put their name on the dotted line. I see no reason why this bill needs to move forward.

At the end of the day, this was a choice that the people made in order to enter into an agreement, into a contract, with their landlord for the right to live in that house. Sometimes you enter into a contract and it tells you you can't smoke, tells you you can't do a whole host of things. Irrespective of what you think your rights are or what they are in the Constitution, when you sign your name to the dotted line that says you do not have the right to possess that firearm, you are, in fact, waiving your right. That is what happened in the instances that we're talking about and I believe that if people are adults, they should be in the position to make their own educated decisions about their living space. They can sign on the dotted line or they can choose to sign on a dotted line of a landlord who already allows that to happen. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **BEAVERS**: How many landlords in the State of Maine don't allow firearms?

The SPEAKER: The Representative from South Berwick, Representative Beavers, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, in response to that question, that is something we couldn't get information on. There hasn't been a survey or anything of that sort. And if I could also answer the question to Representative from Portland, Representative Chipman, yes, a landlord can ban the use of political signs in their lease agreement.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, I believe if the good Representative from Portland would check contract law, contracts cannot supersede constitutional rights. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you so much. I just want to say that I am so gratified with the discussion of private property rights and I'm so gratified with the discussion of the sanctity of private contracts. But I do want to remind this body that, Mr. Speaker, I would like to remind us that I believe last year we did, in fact, pass a bill that said that, with regard to political signs—and it had to do with condo associations—that we could not

infringe on the First Amendment rights. So, we did make a statement about the First Amendment and this is about the Second Amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 538

YEA - Alley, Babbidge, Beavers, Beebe-Center, Blume, Brooks, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Dion, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Lajoie, Luchini, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Tepler, Tucker, Mr. Speaker.

NAY - Austin, Battle, Beck, Bickford, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Fecteau, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Longstaff, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Hickman, Kumiega, Warren, Welsh.

Yes, 54; No, 92; Absent, 5; Excused, 0.

54 having voted in the affirmative and 92 voted in the negative, with 5 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-405)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-405)** in concurrence.

Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services"

(H.P. 1100) (L.D. 1612)

TABLED - March 29, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-613)** to **COMMITTEE AMENDMENT "A" (H-584)**.

Subsequently, Representative GOLDEN of Lewiston **WITHDREW House Amendment "A" (H-613)** to **Committee Amendment "A" (H-584)**.

The same Representative **PRESENTED House Amendment "B" (H-617)** to **Committee Amendment "A" (H-584)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Golden.

Representative **GOLDEN**: Mr. Speaker, I stood here yesterday and expressed a desire for bipartisan shift and consensus around doing something important to help our state's veterans, and I stand here today offering an amendment that provides a path forward. With revenues that do not involve any use of the \$70 million surplus that's been debated in Appropriations. The amendment before you today provides this funding not only for the Bureau of Veterans Services, for assistance to veterans and veteran organizations, but it also includes funding to provide tuition assistance to our National Guard and Air Guard service members at Maine's universities and colleges. It provides a pathway to helping veterans struggling with homelessness, to helping veterans experiencing barriers to accessing the services they need, and a pathway to providing educational opportunities to Guard members.

In Fiscal Year 2016, after paying all of the debt service and the mandatory payments to the state budget, and all the revenues for drinking water programs and sewer treatment programs with our state liquor revenues as currently mandated by law, the state is projected to have an additional \$3.6 million in surplus liquor revenue. And on that, looking out into the future, that surplus revenue grows in Fiscal Year '17 to \$4.8 million, \$16.1 million in FY '18, \$17.6 million in '19, \$19.1 million in '20, and so on, until 2024 where we are projected to have a \$25 million surplus.

So, Mr. Speaker, if this amendment passes and the legislation becomes law, we would fund all of these additional resources for \$1.1 million. We would help veterans who have fought for our freedom, who have left their homes, their families, and their lives, and we would provide education assistance to those who have volunteered to follow in their footsteps. Mr. Speaker, we can do all of that and still be holding a liquor revenue surplus of \$2.4 million in FY 2016. Mr. Speaker, I rise before my colleagues today offering this compromise; one that allows us to do right by both our veterans and our Guard members, because I support providing our National Guard members with educational assistance and I support helping our veterans today, Mr. Speaker. And I believe, Mr. Speaker, that everyone in this body does too.

It can't wait. If anyone thinks that it's not an emergency and that this legislation can wait until next January, then I ask that they think on this: last November, a veteran testified before the Veterans Commission. His testimony is public record and can be found on the maine.gov website. He told the Commission: "This past week, two of my brothers died by their own hand. A Marine Infantry Assaultman who deployed to Iraq in 2008 and another from Lewiston, Maine, an Army Tanker who also deployed to Iraq. Veterans who are stuck in that spiral of hopelessness need to know there is hope and there is life on the other side of their problems."

Mr. Speaker, the Commission Report says the following: "The onus is often on the veteran to know what he or she is entitled to and where to find them. Even just a few dead ends or transferred calls can be discouraging enough for veterans to give up and go without assistance. We have learned this is especially the case with veterans struggling to transition. Changing the mindset of veterans who have lost trust in the system that is designed to care for them is a challenging task. Communicating that there is no shame in seeking help, especially pertaining to mental health, will be equally challenging and needs to be handled in a sensitive manner. Thus, this commission supports the implementation and funding of a marketing strategy to be executed by the Bureau of Veterans Services."

Mr. Speaker, these resources cannot wait until January to be funded. Lives are being lost. Mr. Speaker, this is a simple vote.

I urge my colleague to follow my light and I request a roll call. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-617) to Committee Amendment "A" (H-584)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Mr. Speaker, those of us who have come to rely on the electronic feature in the chamber here, are unable, at least I am unable, to read this amendment, this rather complicated amendment that has not seen committee work. I wonder if I could have a copy of the amendment before we vote. I may be the only one.

The **SPEAKER**: I've been told it is on the Paperless Chamber. We will get paper copies to everybody that would like one that hasn't received one at this point. If you would send a note to the Assistant Clerk, we will make sure that you get a copy of that.

The Chair recognizes the Representative from Greene, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm a proud veteran and I have to be honest with you, I am disgusted with the political gamesmanship that this whole body has played with our veterans this year. I don't agree with this amendment. I'm going to be voting against it and I will talk to any veteran and explain my vote. So, I would vote against this amendment.

The **SPEAKER**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Mr. Speaker, Ladies and Gentlemen of the House, LD 1612 was a bill that came out of committee in regards to Veterans Commission that I proudly worked on this year. I'd like to point out to the House, the State of Maine presently has seven Veterans Service Offices throughout the state. Out of those seven, there are seven state veterans officers and approximately seven veteran assistant officers. These officers, when we had started our commission hearings, had roughly a 50 percent vacancy. Obviously, these officers are overworked and, as per many people, I have talked to some people who have applied for these jobs and they're not interested in working in these offices due to the fact that they feel that the pay is not fair.

In regards to these seven offices throughout the state: these are critical offices. What goes on here is that anybody who retires or who is honorably or even discharged from the military should seek out one of these offices upon being discharged or retired. And no matter where I go through the state, including the American Legion meeting last Thursday night in Standish at Post 128, I did speak very favorably of LD 1612.

When one attends these offices and they go in to meet an SVO, the low there is that that person who you seek in there, this veteran, that becomes your legal counsel. And that legal counsel's going to go through your medical record and your service record. It's also going to review your next of kin and your number of dependents, so on and so forth, and they're going to put a package together for you that would get forwarded up to the Director of Veterans Services here in Augusta and then the package goes on over to Togus where you will, shortly thereafter, receive in the mail an appointment to visit Togus and you're going to receive a physical up there.

With that said, they become your legal counsel and what happens out of this physical and these meetings that go on up there, you possibly should or will or do receive a disability rating,

which brings millions of dollars into the State of Maine and as per individual who's retired or discharged, if that individual receives a rating of 60 percent or more, depending on their rank, they could receive additional stipend from the government tax free, a few hundred dollars ranging into thousands of dollars.

With that said, I truly did enjoy working on this commission. One of the things these SVO's do, I had a daughter that was turning 18 so that affects disability ratings. I called my SVO up prior to her turning 18 and I mentioned it to my SVO and he said, "John, I'm aware that you have a daughter turning 18. Your folder's already on my desk." So, in working on this bill, Mr. Speaker, and thank you for allowing me to serve on this commission, I was diligent and very hopeful we were going to be able to report out a good bill and we were going to have a funding source. And in my opinion, we had a funding source and it was called LD 1280, which the House has shut down. I would also like to point out that this amendment before us just came out this morning. I understand it's 17 pages, but I, too, am unable to open this amendment, so I'm going to be voting in the opposition against this amendment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in support of the amendment that's been preferred to us by a member of the Veterans Commission that studied what the gaps in service are for our veterans here in this state. I read that report. I saw where the gaps were. And I could see where we could take a comprehensive approach to really do what we say we want to do and that is to support our veterans in the State of Maine.

I would never impugn anyone's motive for how they vote. I will only say that my vote on this amendment and on this comprehensive package to address critical needs—critical needs that need to be addressed now, Ladies and Gentlemen of the House—I will be supporting this amendment because I want to see us put our money where our mouth is when it comes to supporting our veterans.

My dad is a veteran and I know what the good Representative from Lewiston says about veterans being very reluctant to ask for assistance. We often have to convince my dad that these benefits that he earned through his service are our way of thanking him for that service. And so, I want, in my vote today, to convey to the veterans like my dad who put their lives on the line, whether to serve us through our National Guard or through our other military services, that we care about them and we want them to receive the services that they earned and we want to thank them for that service. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this amendment. You know, I understand that we, on both sides of the aisle here, spend a lot of money. And, in this amendment, as I read it, we're funding tuition for the National Guard that the University System has already said they didn't need the funding. So, there's \$600,000 that we're sending after already being told that we didn't need the funding. And also, over the last two months, we've spent, in Transportation, looking at transportation funding. And in this bill, by going into the cascade and funding it through there, Transportation's going to lose more money. And to my good friend from Lewiston who spoke most eloquently in committee about the need for funding in Transportation, is taking Transportation funding to fund this bill. So, I have a real problem with that, especially when the University System has already said that they did not need that funding. And also, somebody else

mentioned this bill started out as a five-page bill and we just got a 17-page amendment two minutes before we're supposed to vote. That's a real problem. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Mr. Speaker, Ladies and Gentlemen of the House, over the last 15 months or so, I've gotten to know many of my colleagues across the aisle. And I hope you will believe me when I say that we negotiated this tuition bill in good faith, starting out from day one—making the University System the payers of last resort; making sure the soldiers and airmen had to be members in good standing, up to date on their proficiency training, physically fit, and that they couldn't use it for anything besides a Bachelor's Degree. And we did that to try to make this palatable along the way and to keep that fiscal note down to a minimum.

No one knows exactly what the numbers are and I was okay with going along with the \$500,000 that was attached to it out of committee because, as I was promised and as I talked with many folks, that an alternate funding source would come along and would move this along and "be patient." And I heard about the process. And then today, and in good faith I reached across the aisle yesterday and I shared an amendment that we were talking about doing with this to try to keep educational benefits straight on one line and let these bills for our veterans stand on their own two feet and on their legs as independent bills and not try to paperclip them together. I've said, and everyone's warned, and I said, "No, we'll do the right thing in this chamber. We can do the right thing."

I believe that everybody does care about our veterans. So, let's do what we said we were going to do. Our Adjutant General stood here less than two weeks ago and asked for our help as a body to give him a tool to recruit and retain our airmen in the Maine National Guard. We've already lost folks that have joined neighboring units because we passed this 15 months ago. And you know what? We can wrap ourselves in the flag and we talk about veterans issues and there's 26 or 27 in this chamber. We can't even get our act together as a veterans caucus meeting and talking about issues.

And you know what? I don't want to sit here and preach, but you know, after wearing the uniform for almost 30 years and doing two tours and working with airmen and soldiers in this state, I ask you to listen to what we say. We have a way to do this tuition bill without wrapping it up with everything else. And I'm asking folks on the other side of the aisle to do what you said that we would do for our soldiers and airmen. And let's not—because I'll vote against this, I said it this morning. I'm not going to spend \$600,000. It's gone up \$100,000 overnight. It's got to stop. People are watching. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'll be very brief. I have sat on the Veterans and Legal Affairs Committee, this is my sixth year, seen these issues over and over again. What is more and more striking to me is how many veterans we heard about, you know, "Contact with your Veteran Service Officer" and all that. There are a very large percentage of our veterans in Maine that have no such contact. There are many who are homeless. The number that are not getting services far outweighs the numbers that are. Yes, we need the tuition benefits so that the National Guard can recruit better people, although we already have a very good National Guard.

We need this and we need it now. I spoke with someone earlier this morning and less I be accused of demeaning any of

my colleagues, the person I was talking to is not a member of this body and is not in the chamber. He's not in the State House right now. But described the members of the National Guard and members of our military as people who never saw, never were shot at, never saw combat, saw themselves just as an entitled group looking for more and more benefits. Those are not the veterans I know. They're not the veterans in the State of Maine. We need this. We need it now. The problems are great. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, having served on VLA for a long time and worked on veterans issues for a long time, I'm genuinely disappointed that we are not in a unanimous space on this. And I feel like, it sounds to me, like we're close and I can't quite wrap my head around what the issues are that are driving us apart. And someone once told me that it's not always about what it's about. So, I'm guessing that the debate is about something different than what it's about. And I feel like on an issue this big, that before we take a vote we should pause and really work together to try to get to a unanimous space.

We're in an election year and everybody wants an up or down vote on veterans' issues and everybody wants a good vote or a bad vote so that they can send mailers on the other side. But this is too important for that. And some of the things that we're addressing in this bill are really things that we've been working toward for a very long time to try and fill, as someone said earlier, the gaps. So, I just want to go through what I'm seeing in this amendment. And I do have a hard copy and I thank folks for that, but I also couldn't see it online.

It allows for marketing and outreach, which is really essential. A few years ago, former Senator Nichi Farnham and I worked to build an MOU between the veterans services and the Department of Health and Human Services. That was really important because until that point, DHHS had information about the veterans and who was a veteran in this state, but the veterans organization didn't. So, in this, it appears to me as I read it that we're going to be able to do that type of thing and expand that beyond the agency, it's just DHHS. We asked the question, "Have you served in the military?" Not, "Are you a veteran?" but, "Have you served in the military?" Making sure that the Veterans Services Department has access to that information is really essential because we have a very difficult time knowing who our veterans are.

Part B seems to work toward addressing homelessness. As many people in this chamber know, the VA had a VSO specifically for veterans who were struggling with homelessness and when we had that, and they were literally working on Preble Street, we saw a dramatic decline in the number of homeless veterans in this state. And that decline has not continued downward after the VA decided to manage their vacancies and not keep that going forward. So I think it is incumbent upon the state to work through homelessness issues, as many of our homeless folks happen to be veterans.

You know, I think that I am not opposed to providing a tuition waiver for the Maine National Guard to make sure that our Guard also are able to attend and graduate from college. I've heard today that there's about whether those costs could be absorbed by the college system. You know, we keep asking the college system to absorb cost after cost after cost, but we do very little to increase their revenue. So, I'm seeing a lot of things that are really good in this bill, things that we have worked toward for a very, very long time, things that would actually have a impracticable impact on our veterans in this state.

I am not going to make a tabling motion, but I'm really tempted to right now. I really feel like this bill is so close and we owe it upon ourselves to do that extra work, to go the extra 10 feet that is required to bridge this together. So, if other folks were willing to sit down and hash through this, I would be happy to work with a small committee to get us to that end degree. I've worked with the good Representative Kinney over the years on these issues. I'm as disappointed about 1280 as he is. But I know that there's a group of people that understand these issues that could probably bridge the gap and I would like to see this bill be a unanimous bill.

I think that we owe it to our veterans. We owe it to our veterans to not make this a campaign talking point, to not care about who gets credit for the work. The Commission did remarkable work and I think that we should honor that. So, I'm going to sit down, but I'm going to hope that people would stand up and offer to do the same thing, to come together to find the common ground that can move this bill forward, collectively. I think we do our best work when it's together and this is one of those bills, this is one of those moments where I think it's time to transcend partisanship and hash through some of these specific details because I think we can get to a unanimous report on this bill. I believe that we can. I know that everyone in this chamber wants to get there. We just need a little bit of time to be able to make that happen. I don't need credit for any of it. I don't think anybody needs credit for this bill. But what we do need is to move beyond this and get to a unanimous bill because I think we can do it and I hope we can. Thank you, Mr. Speaker.

Representative **ESPLING** of New Gloucester moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, I stand to concur with the previous speaker. I do think we are close and I do think that given the opportunity to send this back to committee would help us to sift through this rather hefty amendment that people have concerns over because of the size, to look at the details that are offered up in it, you know, and give it the time that it deserves, not this rushing through and not understanding it all so there's too much confusion so it can't have support. But let's have it go back to committee, have the members on the committee look it over and possibly, I believe, come to consensus on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, the amendment before you comes as a combination of many, many bills, many ideas, some from the committee, some from the commission that worked on these issues. Now is the time for a vote. I agree there's more work to be done. I think we could take this vote today. There's further action by this body as well as the body down the hall and I think we will continue to talk about things related to this bill, as well as some of the other bills that are tabled. But for right now, I think it's time we take a vote and for that reason, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Mr. Speaker, I had my light on for a while, I don't know if it's not working on your screen or

not, because I'm not ready for the question. I'm not a veteran, but I'm sure in the heck proud of every veteran in this place and every veteran I've known outside of it. But I'm also been a farmer my whole life, as you know. And I can smell a rotten apple from a long ways away, and in this bill, there's a rotten apple.

The way this bill has been put before this body today—I've always been proud to be a legislator, been proud of what we have done, what this body has done. But I'm not sure, as I'm as proud of that today as I've been in the past. We have had a ways to move almost every bill. I think every bill that's been combined in here, in some form or another, is a good bill. I'm not questioning that, but I'm questioning, we combine 1343 to this bill today and added \$100,000 overnight, where we put \$7 million into the University of Maine fund and \$2.5 million into the Community College fund, with an agreement, with an understanding from all of them that they could take care of this.

We're not asking them to pay for books. We're not asking them to pay for labs. We're asking them to give them a seat in the classroom that's probably vacant. And yet we tie this all together because it makes good political talk. Well, you know what, folks? Ladies and Gentlemen of the House and Mr. Speaker, I think it's wrong. I think it's wrong what we've done. I think the Representative from New Gloucester, we should've represented her request. I'm sorry that the good Representative from Skowhegan couldn't see that, but what we're doing today, Ladies and Gentlemen of the House, I'm telling you is wrong. And I will be voting against the pending motion because it's wrong. What we're doing is wrong.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **MAKER**: That's what I want to know, what the pending motion is. Are we voting for it to go back to committee or are we voting on the original bill?

The SPEAKER: We are voting on whether this bill goes back to committee or not. If you would like it to go back to committee, you would vote green. If you do not want it to go back to committee, you would vote red.

The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: My remarks were not directed towards this motion.

The SPEAKER: Then the Representative needs to defer. The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising a second time, but want to speak to this motion. I agree and support this motion going back to VLA. There is some great work that was done on this commission this summer. You know, we have 140,000 veterans in the State of Maine and only 77-some-odd-thousand are registered, and that outreach program needs to happen. The support of the VSO's need to happen. And as I talked about, let each one of these stand on their own two legs and vote them up and down. And so, let's send this back to the committee, look at the entire bill so we don't throw everything out at the same time, and address the tuition waiver on its own, as it should be, with 1625 or however we want to address it. But let's let the folks back in the VLA Committee have the chance to run this to ground and bring us back some good legislation that we can work with and support our veterans across the state.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Golden.

Representative **GOLDEN**: Thank you, Mr. Speaker, in speaking to this motion, I just want to point out that this amendment represents bills, all of which came out of committee unanimous. And this amendment changes none of the policy matters, none of the policy decisions that were made in committee. This amendment simply puts on a funding mechanism. So, sending this back to VLA, it doesn't necessarily make a whole lot of sense to me. The policies haven't changed from the bills that came out of committee. This amendment just combines these as they came out of committee and in the real discussion, really, I think at this point is, how are we going to fund these things? And I certainly appreciate that everyone wants to support our Guard members and our veterans. I think that we have an opportunity to do that and I think that we can vote on that today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, just to clarify, I know this is a contentious issue this morning—actually, this afternoon at this point. But I just want folks to realize that at this point in time we have not accepted an amendment. This body has not taken action on that, so this is more of a clarifying question, a Point of Order. I believe at this time, if we were to recommit this back to the committee, we are in essence just sending back the original bill. We actually are not having any action on the actual amendment. I believe it would just be the bill that was a unanimous report.

The SPEAKER: The Chair would answer in the affirmative. Only LD 1612 would be Committed back to the Veterans and Legal Affairs Committee.

A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Veterans and Legal Affairs. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 539

YEA - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Alley, Babbidge, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Mr. Speaker.

ABSENT - Bates, Kruger, Kumiega, Warren, Welsh.

Yes, 72; No, 74; Absent, 5; Excused, 0.

72 having voted in the affirmative and 74 voted in the negative, with 5 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS FAILED**.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I just wanted to rise briefly to support the amendment and speak about the funding source that's been attached to this amendment. I think that's the only new policy that's in this combination of bills.

As been said earlier, this comes from excess liquor revenues and that's in the amendment, stemming from the state's new liquor contract, the terms of which were debated at length in both VLA, Appropriations and the 126th Legislature here in the chamber. During those discussions and negotiations, the Legislature fully acknowledged that it was indeed appropriate to use these funds to fund our shared priorities. And, in fact, as we worked the contract, we added \$3.5 million to be used for water treatment programs, \$3.5 for sewer treatment programs with a provision of excess to go to the DOT.

So, the amendment before us simply adds funding for veterans and Guard members to that shared list of priorities, which I think we all support. And it does this by adding those five unanimously support bills from various committees that have been worked. And I think the important thing by identifying, employing a source of funding is that we avoid the situations where any of these bills go down to the Appropriations table where their fate is uncertain. If we're able to do this and fund these things, then we can actually get them passed, funded, and all the way through.

Just a clarifying point: the way the liquor operation fund is written, it ensures that the debt payment for the hospital debt is paid first, then these things can come into effect. And I think the true benefit of using this funding as a source for this veterans' issue is that it doesn't just fund the program for one year. It doesn't do it for just one biennium. As drafted, this would fund it all the way through the duration of the liquor contract, which would extend through the end of 2024. So I think this gives us a great source of revenue to fund these things. It does it in a longer term way than what typically gets done and I hope you will support adding this amendment to the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, I do want to correct a statement that I heard made earlier in this debate about the fact that there's no cost to the National Guard bill. There is, in fact, a fiscal note of \$500,000 and we understand that there also is a cost to the Community College System that that fiscal note does not include.

The University System did offer up a source of one-time funding for the National Guard bill and that was debt service funding that they did not need. The problem was that it was one-time funding and for many of us, we want to make sure that we have an ongoing source of funding for our veterans to succeed in higher education, both in terms of making sure that the tuition is there on an ongoing basis, but also that the support is there. This amendment provides an ongoing source of funding for tuition and support and I think that's very important. I think it's what we owe our National Guards people and it's what we owe our veterans as we work as a Legislature to support opportunities for them in higher education and to support their futures. And for that reason, I will be supporting this amendment and urge others to as well. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I think what we see here is, if you sit back and listen to the debate, is you hear

agreement on the substance of the issues. That's what I'm hearing. And I think the frustration on this side of the aisle in particular is, is the process. And I think it's not the first time we've had that issue, is that, you know, we, sort of, are in a certain place on a certain issue and we, sort of, then, I think, on our side of the aisle feel as though we're not comfortable with a process that's being put forward.

And I think the issue here is, I think you go back and look at, really, the genesis of this, is that you had a committee that worked these bills, voted out, at least my understanding is, unanimous committee reports on separate bills, and they were brought to the floor. And in the normal course of business, those bills would've been voted on. Each of the separate bills were tabled one or two weeks ago and then two days ago, at least my recollection of the process is, were then, sort of, told there's a 15- or 16-page amendment, which nobody knows about on this side of the aisle and it takes one or two days to write a 15- or 16-page amendment. It does take one or two days to write a 15- or 16-page amendment. Nobody on this side of the aisle knows that there's this amendment going on, which is cobbling together all these bills that have been tabled one or two weeks before, and then tied within that is a funding source, and then you have, I would say the good Representative from Norridgewock, Representative Farrin's frustration with a bill that he's been advocating for in regards to veterans, National Guard funding piece. And there's no conversation about that being incorporated into this.

And then, we're sort of here today, all debating about why we're not supportive of a bill that's supportive of veterans. And I would suggest to you that we are supportive of that. However, I think the issue is, is the perception and the reality, I think, of the facts that sort of lay out the process to where we are today, where there is frustration on this side of the aisle that these bills get tabled and then there's this huge amendment and then there's this somewhat controversial funding source, all sort of thrown at us, sort of, "Here you go."

And I would suggest that it, when you have an issue like this, which is something that we would all agree upon, and you throw that process on top of it, it just leaves a sour taste in your mouth. And I think that's where our caucus is at. I'm not going to vote for this amendment. You all know I serve in the National Guard. I'm very supportive of veterans' issues. But the issue is process matters, folks. It's an issue of comedy. It's an issue about talking to each other across the aisle so that we're not trying to, you know, get one up on the other or to, you know, spring some sort of secret plan. Probably there isn't a secret plan, but there certainly could've been conversations going on before now about this.

And instead, here we are having this hour-long debate about the process and why didn't this happen and why didn't that happen and why isn't it going back to committee? We need to own that, folks. That's not somebody else's fault. That's our fault. That's 151 people in this body's fault that that's happening. And I would suggest to you that we've got a lot of business to do in the next couple of weeks. I think this is a bill that we certainly can and should fix, but I'm not going to support it today and I'm not going to support it today because of the process. And what I'm going to suggest is that whatever the outcome is of this, when it goes down to the other body, that the people in this body maybe sit down and start talking to one another and start to figure out what the solution is going to be. Because we have important work to do and we should do that together on the issues that we agree upon and this is an issue that we agree upon, folks.

This isn't one we disagree on. It's pretty simple. So, I'm not going to be voting for this and I'm not going to be voting for it because of the process of where it's at. And I hope, quite frankly, that it either comes back from the other body in a different posture, or at least in a posture where people on the Veterans and Legal Affairs Committee and other people that have vested interest in this sit down and talk about this so that when we come back in here and vote on this, we can all vote in a unanimous fashion to support this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker, first, I'd like to apologize for not understanding the motion that the Representative McCabe had made on the previous bill. I thought I didn't see it go that way and so, I apologize for that. I won't give you the same speech over on this bill because you heard it. But, I do have a question I pose through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **TIMBERLAKE**: And the question is, and I think the Representative from Lewiston may have answered a part of it but I don't know where they added the \$100,000 on to the National Guard bill because the fiscal note came out at \$500,000 and I don't know if we're just willy-nilly adding \$100,000 because it feels good or if that's the way we're operating now. But I just don't understand how come we increased overnight and why did that grow \$100,000?

The SPEAKER: The Representative from Turner, Representative Timberlake, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, I'm happy to answer that question. The fiscal note is \$500,000 and that is for the portion of this dealing with the University System. We have also received information that's not in the fiscal note from the Community College System that they estimate the cost would be \$100,000. But the fiscal note, as printed, is a half a million dollars and that deals with the University System portion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **TIMBERLAKE**: Do we have, I haven't seen any documentation and I serve on Appropriations Committee that said, that I can put my hands on anyway, that said that the Community Colleges say it's \$100,000. Is that information out there somewhere? Is that public information? Can it be shared?

The SPEAKER: The Representative from Turner, Representative Timberlake, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, my understanding is that our principal analyst, Maureen Dawson has that information from the Community College System. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, in response to the question from the good Representative from Turner, Representative Timberlake, I had an opportunity a few weeks ago to mention on the radio that I thought the community colleges were prepared to absorb these costs. I quickly found out when I arrived in this building that that wasn't the case and

the community college expressed concern and the need for the \$100,000 as well.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, sorry for rising a second time. I think the big issue is the funding source. My good friend from Lewiston reminding us over and over again in Transportation Committee that we were \$68 million short, and the first place that we go is highway funding. So, I have a real problem with that after being reminded so many times from my good friend from Lewiston how short we were on highway funding. So, I have a real problem with where we went to get this funding. And I know, I think the total is \$1.1, \$1.2 or whatever million dollars here, going to veterans. But, I have a fairly clear conscience because in the last week I voted for \$14 million for veterans and this body saw not to give veterans the \$14 million a year with ongoing revenue. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, anyone who wonders why so many voters hate politics and hate politicians, I would suggest that part of the reason for that anger and frustration is what's in front of us now. We got a 17-page bill—it's a new bill, essentially—that just landed on our desk an hour or so ago.

Here's the preamble to the bill: "House Amendment 'B' to Committee Amendment 'A' to HP 1100, LD 1612, An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services. Amend the amendment by striking out everything after the first occurrence of 'Amend the bill' and inserting the following: by striking out the title and substituting the following: 'An Act To Improve the Delivery of Services and Benefits to Maine's Veterans and Provide Tuition Assistance to Members of the Maine National Guard.' Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following..." The summary is over a page long. That's longer than a lot of bills that come before this chamber. The fiscal note's more than a page long. I won't be voting for this. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **FARRIN**: Can anyone tell me, this \$500,000 or \$600,000, being involved in this bill through the process, how many credit hours, how many soldiers and airmen? What is this \$600,000 number based upon? Because I've never seen it and if someone has that documentation or someone can respond to that. Again, number or airmen and soldiers participating, credit hours, cost per credit hour, and backing up the numbers.

The SPEAKER: The Representative from Norridgewock, Representative Farrin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Golden.

Representative **GOLDEN**: Thank you, Mr. Speaker, I just wanted to rise and respond to, I think, some comments from my good colleague from the Transportation Committee, Representative from Arundel, Representative Parry. I do want to point out that this body voted against expanding casinos in southern Maine. That was a question that was before this body

and this body collectively didn't think that we should have a third casino in southern Maine.

And in regard to Transportation funding, this isn't touching on Transportation funding. I think what we saw yesterday was that DAFT said that about \$604,000 of excess liquor revenues goes to Department of Transportation.

The SPEAKER: The Representative would defer? The would inquire as to why the Representative from Embden, Representative Dunphy, rises.

Representative **DUNPHY**: How is this germane? He's talking about past bills and I think the Representative from Norridgewock asked a very specific question: Can you get me the numbers that were generated...?

The SPEAKER: Would the Representative defer? I do not believe that the Representative from Lewiston, Representative Golden, is answering that question. I believe he is speaking for a second time in relation to a question or a point that the Representative from Arundel, Representative Parry highlighted related to the funding source.

The Chair would inquire as to why the Representative from Arundel, Representative Parry, rises.

Representative **PARRY**: If he's not answering the question, this is his third time speaking.

The SPEAKER: The Representative is in error. This is the Representative from Lewiston, Representative Golden's second time speaking. The Representative may proceed.

Representative **GOLDEN**: Thank you. And, Mr. Speaker, I think, you know, that this is my second time speaking to this motion. So, just pointing out about the funding that goes to DOT. As I pointed out the first time I spoke, the liquor revenue projections for Fiscal Year '16 shows that we have a \$3.6 million surplus liquor revenues and that we are using \$1.1 million of that to pay for everything that's contained in this amendment, leaving us with \$2.4 million in excess liquor revenues, which would more than cover the \$604,000 that DOT received and they would still receive it. And after having supplied that money to DOT, we would still have \$1.8 million of surplus.

So, I do care about the Highway Fund Budget and the fact that we have \$168 million budget shortfall and that's why I've continually advocated in committee that we need to find a solution that rises above the \$100 million bond that we're all going to be considering later this year and, you know, have a serious conversation about how we're going to raise highway fund dollars to fill that gap. And I know that we agree on that as well. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, I wanted to try to provide an answer to the question that had been asked about the fiscal note and I can speak to the \$500,000 fiscal note that was attached to the National Guard bill. Usually, that information comes from the source, in this case, I would imagine it would be the University System that did those calculations. And I would suggest anyone interested in learning more about the details of that fiscal note, contact the Office of Fiscal and Program Review and Marc Cyr is the person who oversees the fiscal notes and I'm sure he would be happy to share with any Member of this chamber the information that he had to base that fiscal note on. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, can I pose a procedural question?

The SPEAKER: The Representative may pose his question.

Representative **FOLEY**: Mr. Speaker, would it be possible to make a motion to refer this bill, LD 1612 and the Amendment "B" back to the Committee of Veterans?

The SPEAKER: The Chair would provide an answer that LD 1612 would only go back to committee. The House Amendment has not been adopted, but any committee can work any bill and make amendments on the committee level.

The Chair recognizes the Representative from Arundel, Representative Parry. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? The Chair hears no objection, the Representative may proceed.

Representative **PARRY**: Thank you, Mr. Speaker, I guess I'm confused on how the counts go.

The SPEAKER: Would the Representative defer? The rule is that a Representative may only speak to one motion twice without unanimous consent. So, there have been multiple motions. This is the third time that the Representative from Arundel, Representative Parry is speaking to this motion. The Representative may proceed.

Representative **PARRY**: Thank you, Mr. Speaker, just an answer to the good Representative from Lewiston, I believe how the cascade works is money goes to a couple of things—the water and I think it was a sewer—and any excess money goes to DOT. So, if there's excess money, all that money would go to DOT, not just the \$600,000. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I just rise to talk about the funding piece of this. The previous statement is not true. The liquor operation revenue fund highlights a certain amount which can be removed from the liquor operation revenue fund, then it gets sent to various funds, which would be drinking water, sewer treatment, and then the remainder to DOT, but it doesn't allow all of it to go to DOT. That's why there's currently a lot of excess money sitting in the Maine Municipal Bond Bank.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, I rise in an attempt to answer the question on the fiscal note regarding the community college portion of the tuition program. This is an estimate that was based on approximately 12 Guard students attending the seven campuses of the community college, with a \$1,000 waiver, based on a \$90 a credit hour cost. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Mr. Speaker, I rise having listened to this debate for ongoing towards an hour I think. And I rise to tell you that this is a perfect example of the wrong way to do legislation. Any parliamentary body that sits, the object of the game is to come to a consensus and do things easily. What you try to avoid doing, I've been a moderator before, and in many instances and in other cases, but I think Robert's Rules or Mason's Rules or whoever rules, tries to make the process simple. And what we have done by dropping this amendment on us—first, yesterday and then tabling it and then today, different—and then, what we're doing is we're conducting a committee hearing with 151 people in it. And this is why committees don't have 151 people in it, because you never get the right answers. So, I understand we've already tried to send this back to committee once and that's not going to work.

I'm going to vote against this, not because I don't like veterans, believe it or not. And the reason that we're doing this process the way we're doing it, I can't tell you because it is

against the decorum of the House to explain to you why we're doing this process. But I tell you, it's wrong. I don't like it. It's the first case this year where we're just doing something that's wrong. We shouldn't do it. And I guess I'll end there before I get in trouble. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, there's been, the good Representative from Wells, Representative Foley, indicated number of people have asked the question about sending the bill back to committee and whatnot and I think there's been comments about process, substance of the bills, needing time to read it. And, I think, certainly, I have, for one, expressed the need to do work in a diligent way. However, this may be one of those times when, and I will so move, that if we were not to vote on this today, people could, in essence, go back to committee because they could go back and talk about this bill and see if we could move it along any further and come back and vote on it tomorrow. And so, I will make a motion to Table this matter. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind the Member that you cannot make a Tabling motion after making an argument.

Subsequently, Representative ESPLING of New Gloucester moved that the Bill be **TABLED** until later in today's session pending **ADOPTION of House Amendment "B" (H-617) to Committee Amendment "A" (H-584)**.

Representative GRANT of Gardiner **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ADOPTION of House Amendment "B" (H-617) to Committee Amendment "A" (H-584)**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Subsequently, the Bill was **TABLED** until later in today's session pending **ADOPTION of House Amendment "B" (H-617) to Committee Amendment "A" (H-584)** and later today assigned. (Roll Call Ordered)

ENACTORS

Emergency Measure

An Act To Facilitate the Use of State Education Subsidies
(S.P. 573) (L.D. 1475)
(C. "A" S-388)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend Lobster and Crab Fishing License Laws
(H.P. 1026) (L.D. 1503)
(H. "A" H-610 and S. "A" S-435 to C. "A" H-588)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum

(H.P. 1119) (L.D. 1644)
(C. "A" H-606)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative McCABE of Skowhegan **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: If I could just inquire as to the Chair's ruling in regarding a request for the roll call in the process of an ongoing vote. If you could just point to me in the rules where that's allowed, I'd appreciate it.

Representative **FREDETTE** of Newport asked the Chair to **RULE** if a roll call was in order.

Subsequently, the same Representative **WITHDREW** his request for a **RULING OF THE CHAIR**.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman, who wishes to address the House on the record.

Representative **LOCKMAN**: Mr. Speaker, may I pose a question through the Chair for Representative McCabe?

The SPEAKER: The Representative may proceed.

Representative **LOCKMAN**: Thank you, Mr. Speaker, on March 15th, Majority Leader Representative McCabe moved to Table Unassigned LD 1652, An Act Regarding Municipal Immigration Policies. The bill, if enacted, would ensure that Maine municipalities are in compliance with federal immigration law. Passage of the Tabling motion over two weeks ago, effectively killed LD 1652, without debate and without any public hearings. I rise to inquire through the Chair whether or not Representative McCabe is prepared, at this time, to recall the bill from the table so that LD 1652 can be assigned to committee for public hearings. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Amherst, Representative Lockman, has posed a question through the Chair to anyone who may care to respond.

Mandate

An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road

(H.P. 903) (L.D. 1325)
(S. "A" S-414 to C. "A" H-558)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 19 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Streamline Judicial Review of Certain Land Use Decisions

(H.P. 528) (L.D. 775)
(C. "A" H-602)

An Act To Increase the Safety of Social Workers

(H.P. 1022) (L.D. 1499)
(C. "A" H-605)

An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners

(S.P. 617) (L.D. 1565)
(C. "A" S-443)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Bill "An Act To Amend the Finance Authority of Maine Act"

(S.P. 694) (L.D. 1686)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1135) (L.D. 1665) Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-618)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 207) (L.D. 313) Bill "An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-616)**

On motion of Representative FREDETTE of Newport, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-619)** on Bill "An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders"

(H.P. 1054) (L.D. 1547)

Signed:

Senators:

BRAKEY of Androscoggin
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
STUCKEY of Portland
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

McCORMICK of Kennebec

Representative:

SANDERSON of Chelsea

READ.

On motion of Representative GATTINE of Westbrook, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-619)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-619)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative HERRICK of Paris, the House adjourned at 1:07 p.m., until 9:30 a.m., Thursday, March 31, 2016, in honor and lasting tribute to John F. White, of West Paris and Carl E. "Bill" Morrison, Sr., of Bradford.